

**Memphis Center for Independent Living and the United States v. Milton and Richard Grant Co. et al. (W.D. Tenn.)**

On April 26, 2004, Judge Bernice Donald granted, in part, the United States' motion for [summary judgment](#), holding that the defendants discriminated against persons with disabilities by failing to design and build: accessible walkways from ground floor apartment units to public street and on-site amenities; accessible clubhouses; accessible parking at complex amenities; thresholds without steps; bathroom, bedroom, and walk-in closet doors which are wide enough for wheelchair passage; thermostats in the reach of persons in wheelchairs; reinforcements in bathroom walls; adequate clearance space for wheelchair passage into the kitchen and use of counter space; and centered 30" x 48" clear floor space at bathroom sinks. The case is the first known decision addressing burdens of proof, and the type of proof required, under HUD's Guidelines and regulations for exempting units from the accessibility requirements ("site impracticability test"), and for avoiding construction of accessible walks ("vehicular route exception").

The complaint was originally filed by the Memphis Center for Independent Living, a disability rights group in Memphis, Tennessee and later joined by the United States as an intervener.

**United States v. Peter Altmayer (N.D. Ill.)** ~~UPDATED~~ 2/10/06

On January 18, 2005, the court entered a [Consent Decree](#) in *United States & Bitton v. Altmayer* (N.D. Ill.). The United States' [complaint](#), filed on March 2, 2005, alleged that Peter Altmayer intimidated and harassed his next door neighbors, Elie and Silvia Bitton and their two minor children, on the basis of their religion (Jewish) and national origins (Israeli and Mexican). The consent decree requires the defendant to pay \$15,000 to the complainants, enjoins the defendant from discriminating based on religion or national origin, prohibits him from violating 42 § 3617 with regard to the Bittons, and requires him to attend fair housing training. The consent decree will remain in effect for five years. This case was handled primarily by the U.S. Attorney's Office.

The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination.

**United States v. Ballis (D. Or.)** **NEW** 2/10/06

On February 1, 2006, the United States Attorney's Office filed the complaint in *United States v. Ballis (D. Or.)*. The complaint alleges that the owners and managers of a nine-unit apartment building in Portland, Oregon refused to rent to a mixed-race couple, Deneen Hayward and Randolph Irwin Kelly, on the basis of Mr. Kelly's race, color, and sex (African-American male). According to the complaint, defendant Ted Ballis told the couple that several long-term tenants had threatened to move if he rented to them because of Mr. Kelly's race and, for that reason, he would not rent to them. The complaint also alleges that the defendants treated a white male tester in a more favorable way that they treated a black male tester. This case is being handled primarily by the United States Attorney's Office in Portland.

The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination.

**United States v. Harold W. Calvert, et al. (W.D. Mo.)** **NEW** 8/10/06

On August 8, 2006, the United States filed a [complaint](#) in *United States v. Harold W. Calvert, et al.* (W.D. Mo.). The complaint alleges that the Defendants engaged in a pattern or practice of discrimination based on sex. Specifically, the complaint alleges Defendant Calvert subjected female tenants to unwanted verbal sexual advances, unwanted physical sexual advances, forcible physical contact with the sexual parts of his body, inappropriate

statements, and threats of eviction when they refused or objected to his sexual advances. The complaint also alleges that Calvert Properties, the owner of the properties, knew or should have known about these acts of discrimination but failed to take reasonable preventive or corrective measures to curtail and/or prevent Calvert's discriminatory conduct.

The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation, and issued a charge of discrimination.

**United States v. Chateau Village Apartments, et al. (N.D. Ill.)**

On April 19, 2005, the United States Attorney's Office for the Northern District of Illinois filed a [complaint](#) and [consent decree](#) in *United States v. Chateau Village Apartments, et al.* (N.D. Ill.), a Fair Housing Act election case which was referred to the Division by the Department of Housing and Urban Development (HUD). The complaint alleges that the owners of an apartment building in Carol Stream, Illinois refused to make a reasonable accommodation to allow the HUD complainant to move from a one-bedroom unit to a two-bedroom unit (which had fewer steps and had more room for her therapeutic equipment), even though she had obtained a Section 8 voucher for a two-bedroom unit. Because of this refusal, the complainant allegedly was forced to move out. The consent decree requires the defendants to: pay \$33,000 to the Wendy Walsh Special Needs Trust and \$4,500 to HOPE Fair Housing Center; adopt a reasonable accommodation policy and to obtain fair housing training. The decree will remain in effect for three years. **United States v. City of Blakely Housing Authority, et al. (M.D. Ga.)**

On March 21, 2005, the the Court approved and entered a [consent order](#) in *United States v. City of Blakely Housing Authority, et al.* (M.D. Ga.). The [complaint](#), filed on June 10, 2002, alleged that the Housing Authority discriminated on the basis of race by maintaining racially segregated public housing and harassing African-American tenants. The complaint alleged that the Housing Authority advanced white applicants for public housing over black applicants on the waiting list, and placed and maintained single white tenants without children in two-bedroom apartments in Cedar Hill Homes II,

a public housing complex, even though single tenants with no children were entitled under Housing Authority regulations to no more than a one bedroom or studio apartment. As a result several two-bedroom apartments were made unavailable to African-American families with children. The complaint also alleged that in its four other complexes, the Housing Authority rented to African-American tenants on less favorable terms than white tenants; failed to protect African-American tenants from racial harassment; and retaliated against those African-American tenants who exercised their rights under the Fair Housing Act.

The consent decree requires the defendants to pay \$252,500 in compensatory damages, train employees on fair housing law, and establish new admissions policies and procedures to ensure that applicants are treated in a non-discriminatory manner. Additionally, the executive director of the Blakely Housing Authority shall resign under the terms of the decree.

The Department of Housing and Urban Development (HUD) referred this matter to the Division after the Georgia Commission on Equal Opportunity determined after an investigation that the Authority had engaged in a pattern and practice of racial discrimination and notified HUD of its findings.

The consent order will remain in effect for four years.

#### **United States v. City of Hollywood (S.D. Fla.)**

On July 7, 2006, the Court entered [Consent Orders](#) resolving both the Synagogue's and the Division's [lawsuits](#) against the *City in United States v. City of Hollywood* (S.D. Fla.), a RLUIPA case in which the Division alleges that the City of Hollywood, Florida

violated the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc et seq, when, among other things, the City denied the Hollywood Community Synagogue's application for a special exception. The consent orders resolving the United States complaint against the City of Hollywood that the Division filed on April 26, 2005.

As part of the Consent order between the city and the United States, the city agreed to allow the Hollywood Community Synagogue to operate permanently as a house of worship at its properties, and to expand if it should acquire additional properties within a block of its current location. The city also agreed that its leaders and managers, and certain city employees, will attend training on the requirements of RLUIPA. In addition, the city will adopt new complaint procedures, and report periodically regarding matter related to compliance with the Order to the Justice Department. In a separate consent order between the city and the Synagogue, filed with the court at the same time, the city also agreed to pay the Synagogue \$2 million in damages and attorneys fees and costs.

**United States v. Zellpac, Inc. and Guy Emery (S.D. Ill.)** **UPDATED** 7/12/06

On June 20, 2006, a [jury](#) found that the former owner and manager of an apartment building in Marion, Illinois, had violated the Fair Housing Act and ordered the Defendants to pay \$15,000 to Complainant Deborah Norton Ally. The jury ordered the Defendants to pay \$5,000 in compensatory damages to Deborah Norton Ally, ordered Zellpac to pay \$7,000 in punitive damages and ordered Emery to pay \$3,000 in punitive damages. The [complaint](#) filed in February 2005, against Zellpac, Inc., and Guy Emery, alleged the defendants violated the Fair Housing Act when Emery told Deborah Norton Ally, that he would not rent an available apartment to her because she used a wheelchair. On February 27, 2006, the United States filed a [brief](#) in

opposition to Defendant Zellpac, Inc.'s Motion for Partial Summary Judgment.

The case was referred to the Division after the Department of Housing and Urban Development (HUD) received a complaint, conducted an investigation and issued a charge of discrimination.